

APPEAL NO. 020347
FILED APRIL 8, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 29, 2002. The hearing officer determined that the appellant's (claimant) impairment rating (IR) is nine percent. On appeal, the claimant contends that this determination is against the great weight of the evidence. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in affording presumptive weight to the designated doctor's amended IR certification. The Texas Workers' Compensation Commission (Commission) has adopted Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.6(i) (Rule 130.6(i)), effective January 2, 2002, which provides in relevant part that a designated doctor's amended report "is considered to have presumptive weight." The preamble to that rule makes clear that it is the Commission's intent that the amendment and "clarification" are to be given presumptive weight regardless of the time it was rendered. The Appeals Panel has already addressed Rule 130.6(i) in Texas Workers' Compensation Commission Appeal No. 013042-s, decided January 17, 2002, wherein we stated that Rule 130.6(i) "does not permit the analysis of whether an amendment was made for a proper purpose or within a reasonable time." Appeal No. 013042-s goes on to discuss reasoning for applying the rule on its effective date. We have reviewed the matters complained of by the claimant on appeal and conclude that the hearing officer's decision is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The decision and order of the hearing officer are affirmed.

The true corporate name of the carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Chris Cowan
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge